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EXAMINER

HWANG, JOON H

ART UNIT	PAPER NUMBER
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2166

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,973

Applicant(s)

PETROCELLI, ROBERT R.

Examiner

Joon H. Hwang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. The applicant amended claims 1, 17, 27, 32, 35-36, 39-40, and 42-43 and added new claims 44-46 in the amendment received on 3/23/06.

The pending claims are 1-46.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 17, and 42 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's arguments of information group identifier against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Prima facie case of obviousness is established when **teachings of prior art appear to suggest claimed subject matter to person of ordinary skill in art**; it is incumbent upon applicant to go forward with objective evidence of unobviousness once prima facie case is established." *In re Rinehart* (CCPA) 189 USPQ 143 Decided Mar. 11, 1976 No. 75-608 U.S. Court of Customs and Patent Appeals.

The applicant's arguments of the database file containing information describing clinical procedures of the patient medical data stored on the storage media are further addressed in the following rejection.

Claim Objections

3. Claims 17, 39, and 42 are objected to because of the following informalities:

- “that” 9th line of claim 17 and 10th and 26th line of claim 42 is unclear and indefinite. “that” needs to be specified.
- “the available” in 2nd line of claim 39 should be “an available”.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-16, 32-35, 39, 42, 44, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitka et al. (U.S. Patent No. 6,349,373) in view of Cooke, Jr. et al. (U.S. Patent No. 6,574,629), and further in view of DeClute et al. (U.S. Patent No. 5,053,948).

With respect to claims 1, 3, and 44, Sitka teaches accessing patient medical data from at least one external source (lines 16-35 in col. 3, lines 4-30 in col. 4, and item 120-1(x) fig. 1). Sitka teaches segmenting the patient medical data into a plurality of information groups with each information group corresponding to information about a particular patient (i.e., an image group comprises studies and a study comprises digital medical images about a particular patient, lines 13-38 in col. 1, lines 31-50 in col. 4, and

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lines 13-39 in col. 5). Sitka teaches providing a data archiving system comprised of a plurality of archival storage media (lines 34-49 in col. 2, lines 31-50 in col. 4, and fig. 2). Sitka teaches storing each information group onto an archival storage media (lines 34-49 in col. 2, lines 31-50 in col. 4, and fig. 2). Sitka does not explicitly disclose each group (i.e., study) having an identification. However, Cooke teaches information groups being stored on archival storage media with each group having an identification, the identification being unique from all other information groups stored within said archival storage media and all other archival storage media, enabling said information groups to be independently accessed, within or without the data archiving system in which the information groups were created (i.e., each study has a unique identification and the unique identification of a study is used by reviewing stations that may be located remotely at a separate geographic location for the study to be independently accessed, lines 28-54 in col. 11, table 5 in col. 27, lines 39-60 in col. 8, lines 8-42 in col. 9, and fig. 12) in order to uniquely locate each study, thereby efficiently managing each distinctive study of a patient. Therefore, based on Sitka in view of Cooke, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Cooke to the system of Sitka in order to efficiently manage each patient's data. Sitka further teaches each said information group being stored entirely only on one of said plurality of archival storage media (lines 34-49 in col. 2). Sitka teaches archiving a study of a group associated with a customer's specific information, such as the customer's name, a physician's name, medical history, and personal information on archival storage media (lines 22-38 in col. 1, lines 10-15 in col. 3, lines

39-64 in col. 6, and line 66 in col. 7 thru line 17 in col. 8) concerning a self-contained database file for each of said information groups for claim 3 and concerning the database file recorded on the storage media contains information describing clinical procedures of the patient medical data stored on the storage media. Cooke also teaches study demographic data for each study (line 29 in col. 10 thru line 3 in col. 11) concerning the database file contains patient demographic information relevant to the clinical procedures recorded on the storage media for claim 44. Sitka further teaches physically moving a storage media from a physical location to another physical location (i.e., from an archive computer system to an off-site storage facility or to a remote hospital, lines 30-31 in col. 1, line 39 in col. 1 thru line 23 in col. 2, and abstract). Cooke also teaches a PACS software and applications preferably stored in memory and alternatively these applications can be stored in a floppy disk or a CD (lines 41-67 in col. 7 and lines 1-33 in col. 8) for retrieving data stored on the CD. Sitka and Cooke do not explicitly disclose encoding a unique identifier on said one of said storage media to uniquely identify that storage media from that of all other storage media. However, DeClute teaches encoding a unique identifier on said one of said storage media to uniquely identify the storage media from all other storage media (i.e., a unique optical disk serial number, lines 9-15 in col. 5) in order to efficiently and economically handle a large number of individual storage media, such as optical disks (lines 63-66 in col. 1). DeClute teaches recording an index file having at least an identifier and a file on said one of said storage media (lines 31-68 in col. 3 and lines 16-23 in col. 5). DeClute teaches independently accessing said one of said storage media by reading said index

file (lines 31-68 in col. 3). Therefore, based on Sitka in view of Cooke, and further in view of DeClute, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of DeClute to the system of Sitka in order to efficiently and economically handle a large number of individual storage media.

With respect to claim 2, Sitka teaches optical disks (DVDs) as archival storage media (lines 31-50 in col. 4).

With respect to claims 4-7 and 9, Sitka does not explicitly disclose implementing a database file by DICOM-3. However, Cooke further teaches said database file is implemented by DICOM-3 (line 65 in col. 5 thru line 13 in col. 6, line 54 in col. 10 thru line 3 in col. 11, and lines 10-23 in col. 15). Cooke also teaches said information groups comprise meta-data and image data (i.e., study demographic data, line 54 in col. 10 thru line 3 in col. 11). Cooke teaches a PACS software and applications/executable programs alternatively stored in a floppy disk or a CD (lines 41-67 in col. 7 and lines 1-33 in col. 8) in order to retrieve data (i.e., meta-data and image data) stored on the CD. Therefore, these limitations are rejected in the analysis of claims 1 and 3 above, and these claims are rejected on that basis.

With respect to claim 8, Sitka and Cooke disclose the claimed subject matter as discussed above except an index file on archival storage media. However, DeClute teaches creating an index file on each of said archival storage media for characterizing data stored thereon (i.e., indexing files or data stored on each optical disk, lines 31-68 in col. 3). Therefore, the limitations are rejected in the analysis of claims 1 and 3 above, and the claim is rejected on that basis.

With respect to claim 10, Sitka discloses recording information groups on archival storage media as mid-term (near-line) and long-term (off-line) storage (lines 3-38 in col. 6 and fig. 2).

With respect to claim 11, Sitka discloses short-term (on-line) storage as a first subset of archival storage media (lines 3-38 in col. 6 and fig. 2).

With respect to claim 12, Sitka discloses mid-term (near-line) storage as a second subset of archival storage media (lines 3-38 in col. 6 and fig. 2).

With respect to claim 13, Sitka discloses long-term (off-line) storage as a third subset of archival storage media (lines 3-38 in col. 6 and fig. 2).

With respect to claim 14, Sitka discloses a diskette (lines 31-40 in col. 4), which teaches a hard disk element.

With respect to claim 15, Sitka discloses a jukebox storage (lines 39-45 in col. 1).

With respect to claim 16, Sitka discloses a shelf storage (lines 3-38 in col. 6).

With respect to claim 32, Sitka further teaches physically moving a storage media from a physical location to another physical location (i.e., from an archive computer system to an off-site storage facility or to a remote hospital, lines 30-31 in col. 1, line 39 in col. 1 thru line 23 in col. 2, and abstract) concerning accessing the storage media at a clinical imaging station allowing a review of archived images outside of the data archiving system in which the storage media was originally created.

With respect to claim 33, Sitka does not explicitly disclose a data program and an image player on the storage media. However, Cooke teaches a PACS software and applications/executable programs alternatively stored in a floppy disk or a CD (lines 41-

67 in col. 7 and lines 1-33 in col. 8) in order to retrieve data (i.e., image data) stored on the CD. Therefore, the limitations are rejected in the analysis of claims 1 and 3 above, and the claim is rejected on that basis.

With respect to claim 34, Sitka does not explicitly disclose a volume label. However, Cooke further teaches assigning a volume ID to a storage media (lines 9-25 in col. 23). The limitations are rejected in the analysis of claims 1 and 3 above, and the claim is rejected on that basis.

With respect to claim 35, Sitka discloses archiving a study of a group associated with a customer's specific information, such as the customer's name, a physician's name, medical history, and personal information on archival storage media (lines 22-38 in col. 1, lines 10-15 in col. 3, lines 39-64 in col. 6, and line 66 in col. 7 thru line 17 in col. 8) concerning a database file holding all of meta-data required to completely describe a procedure or study stored on the storage media.

With respect to claim 39, Sitka teaches determining the available storage capacity of the storage media and comparing the available storage capacity of the storage media to a storage capacity of the information group (lines 39-64 in col. 6 and lines 17-54 in col. 7).

With respect to claims 42 and 46, Sitka teaches accessing patient medical data from a plurality of external sources (lines 16-35 in col. 3, lines 4-30 in col. 4, and item 120-1(x) fig. 1). Sitka teaches segmenting the patient medical data into a plurality of information groups (i.e., an image group comprises studies and a study comprises digital medical images, lines 13-38 in col. 1, lines 31-50 in col. 4, and lines 13-39 in col.

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5). Sitka teaches providing a data archiving system comprised of a plurality of archival storage media (lines 34-49 in col. 2, lines 31-50 in col. 4, and fig. 2). Sitka teaches storing each information group onto an archival storage media (lines 34-49 in col. 2, lines 31-50 in col. 4, and fig. 2). Sitka does not explicitly disclose each group (i.e., study) having an identification. However, Cooke teaches information groups being stored on archival storage media with each group having an identification, the identification being unique from that of any other information groups stored within said archival storage media and all other archival storage media enabling said information groups to be independently accessed, within or without the data archiving system in which the information groups were created (i.e., each study has a unique identification and the unique identification of a study is used by reviewing stations that may be located remotely at a separate geographic location for the study to be independently accessed, lines 28-54 in col. 11, table 5 in col. 27, lines 39-60 in col. 8, lines 8-42 in col. 9, and fig. 12) in order to uniquely locate each study. Therefore, based on Sitka in view of Cooke, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Cooke to the system of Sitka in order to uniquely locate each study, thereby efficiently managing each distinctive study of a patient. Sitka further teaches each said information group being stored entirely only on one of said plurality of archival storage media (lines 34-49 in col. 2) by the following sub steps; determining an available storage capacity of the storage medium, comparing the available storage capacity of the storage medium to that of the information group that is to be stored, recording the information group on the selected storage medium only if the

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size of the information group is smaller than the available storage capacity of the storage medium, and selecting another storage medium if the size of the information group is larger than the available storage capacity of the storage medium (lines 39-64 in col. 6 and lines 17-54 in col. 7). Sitka further teaches physically moving a storage media from a physical location to another physical location (i.e., from an archive computer system to an off-site storage facility or to a remote hospital, lines 30-31 in col. 1, line 39 in col. 1 thru line 23 in col. 2, and abstract). Sitka teaches archiving a study of a group associated with a customer's specific information, such as the customer's name, a physician's name, medical history, and personal information on archival storage media (lines 22-38 in col. 1, lines 10-15 in col. 3, lines 39-64 in col. 6, and line 66 in col. 7 thru line 17 in col. 8) concerning a database file recorded on the storage media contains information describing clinical procedures of the patient medical data stored on the storage media. Cooke also teaches study demographic data for each study (line 29 in col. 10 thru line 3 in col. 11) concerning the database file contains patient demographic information relevant to the clinical procedures recorded on the storage media for claim 46. Cooke also teaches a PACS software and applications preferably stored in memory and alternatively these applications can be stored in a floppy disk or a CD (lines 41-67 in col. 7 and lines 1-33 in col. 8) for retrieving data stored on the CD. Cooke further teaches assigning a volume ID to a storage media (lines 9-25 in col. 23). Sitka and Cooke do not explicitly disclose encoding a unique identifier on said one of said storage media to uniquely identify that storage media from that of all other storage media. However, DeClute teaches encoding a unique identifier on said one of said

storage media to uniquely identifying the storage media from that of all other storage media (i.e., a unique optical disk serial number, lines 9-15 in col. 5) in order to efficiently and economically handle a large number of individual storage media, such as optical disks (lines 63-66 in col. 1). DeClute teaches recording an index file on said one of said storage media (lines 50-68 in col. 3). DeClute teaches independently accessing said one of said storage media by reading said index file (lines 31-68 in col. 3). Therefore, based on Sitka in view of Cooke, and further in view of DeClute, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of DeClute to the system of Sitka in order to efficiently and economically handle a large number of individual storage media.

6. Claims 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitka et al. (U.S. Patent No. 6,349,373) in view of Cooke, Jr. et al. (U.S. Patent No. 6,574,629), and further in view of DeClute et al. (U.S. Patent No. 5,053,948), and further in view of Sacilotto, Jr., et al. (U.S. Patent No. 6,763,523).

With respect to claims 36-38, Sitka teaches determining an available storage capacity for the storage media, wherein the information group is recorded on the storage media if the available storage capacity of the media is sufficient and wherein if the recording of the information group onto the storage media has an insufficient available storage capacity, then a different storage media is selected (lines 39-64 in col. 6 and lines 17-54 in col. 7). Sitka, Cooke, and DeClute do not explicitly disclose determining the available storage capacity of the media by using a predetermined

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percentage full value. However, Sacilotto teaches determining the available storage capacity of the media by using a predetermined percentage full value, wherein the predetermined percentage can be chosen (line 61 in col. 8 thru line 21 in col. 9) in order to manage the storage space according to requirements of a particular system.

Therefore, based on Sitka in view of Cooke and DeClute, and further in view of Sacilotto, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Sacilotto to the system of Sitka in order to manage the storage space according to requirements of a particular system.

7. Claims 17-26, 28, 29, 31, 40, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitka et al. (U.S. Patent No. 6,349,373) in view of DeClute et al. (U.S. Patent No. 5,053,948), and further in view of Sacilotto, Jr., et al. (U.S. Patent No. 6,763,523).

With respect to claims 17 and 45, Sitka teaches a user interface for controlling a distributed data archiving system (fig. 2), said user interface including a processor for receiving data from a plurality of external sources (lines 16-35 in col. 3, lines 4-30 in col. 4, and item 120-1(x) fig. 1) and segmenting the data into a plurality of information groups (i.e., an image group comprises studies and a study comprises digital medical images about a particular patient, lines 13-38 in col. 1, lines 31-50 in col. 4, and lines 13-39 in col. 5). Sitka teaches a memory storage comprised of a plurality of separate archival storage media for storing information groups (lines 34-49 in col. 2, lines 31-50 in col. 4, and fig. 2), each said information group being stored entirely only on one of

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said plurality of archival storage media (lines 34-49 in col. 2). Sitka teaches archiving a study of a group associated with a customer's specific information, such as the customer's name, a physician's name, medical history, and personal information on archival storage media (lines 22-38 in col. 1, lines 10-15 in col. 3, lines 39-64 in col. 6, and line 66 in col. 7 thru line 17 in col. 8) concerning the database file containing information describing clinical procedures of the information groups stored on the storage media and concerning the database file containing patient demographic information relevant to the clinical procedures recorded on the storage media for claim 45. Sitka does not explicitly disclose each storage media having an identification. However, DeClute teaches each storage media comprising an identification, the identification being unique from that of any other of said storage media stored thereon or stored on any other archival storage media, so that said information groups are capable of being independently accessed, within or without archiving system in which the information groups were created (i.e., a unique optical disk serial number, lines 9-15 in col. 5) in order to efficiently and economically handle a large number of individual storage media, such as optical disks (lines 63-66 in col. 1). Therefore, based on Sitka in view of DeClute, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of DeClute to the system of Sitka in order to efficiently and economically handle a large number of individual storage media. Sitka further teaches an available storage capacity of the media being determined, wherein an information group is recorded on the storage media if the available storage capacity of the media is sufficient and wherein if the recording of the

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information group onto the storage media has an insufficient available storage capacity, then a different storage media is selected (lines 39-64 in col. 6 and lines 17-54 in col. 7). Sitka and DeClute do not explicitly disclose determining the available storage capacity of the media by using a predetermined percentage full value. However, Sacilotto teaches determining the available storage capacity of the media by using a predetermined percentage full value, wherein the predetermined percentage can be chosen (line 61 in col. 8 thru line 21 in col. 9) in order to manage the storage space according to requirements of a particular system. Therefore, based on Sitka in view of DeClute, and further in view of Sacilotto, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Sacilotto to the system of Sitka in order to manage the storage space according to requirements of a particular system.

With respect to claim 18, Sitka discloses a personal computer (lines 16-35 in col. 3 and figs. 1-3).

With respect to claim 19, Sitka discloses a workstation for the external source (lines 16-35 in col. 3, lines 4-30 in col. 4, and figs. 1-3).

With respect to claim 20, Sitka discloses a network compatible device for the external source (lines 16-35 in col. 3, lines 4-30 in col. 4, and figs. 1-3).

With respect to claim 21, Sitka discloses short-term (on-line) storage, mid-term (near-line) storage, and long-term (off-line) storage (lines 3-38 in col. 6 and fig. 2).

With respect to claim 22, Sitka discloses a diskette (lines 31-40 in col. 4), which teaches a hard disk element.

With respect to claim 23, Sitka discloses the short-term (on-line) storage medium comprises a redundant array of independent disks (abstract and lines 11-12 in col. 9).

With respect to claim 24, Sitka discloses a jukebox storage (lines 39-45 in col. 1).

With respect to claim 25, Sitka discloses a shelf storage (lines 3-38 in col. 6).

With respect to claim 26, Sitka discloses the claimed subject matter as discussed above except an index file on the archival storage media. However, DeClute teaches creating an index file for characterizing data to be stored on the archival storage media and stores the index file and data on said archival storage media (i.e., indexing files or data stored on each optical disk, lines 31-68 in col. 3). Therefore, the limitations are rejected in the analysis of claim 17 above, and the claim is rejected on that basis.

With respect to claim 28, Sitka discloses optical disks (DVDs) as archival storage media (lines 31-50 in col. 4).

With respect to claim 29, Sitka teaches archiving a study of a group associated with a customer's specific information, such as the customer's name, a physician's name, medical history, and personal information on archival storage media (lines 22-38 in col. 1, lines 10-15 in col. 3, lines 39-64 in col. 6, and line 66 in col. 7 thru line 17 in col. 8) concerning a self-contained database file for each of said information groups.

With respect to claim 31, Sitka teaches a storage device (media recorder) for recording information groups on archival storage media as mid-term (near-line) and long-term (off-line) storage (lines 3-38 in col. 6 and fig. 2).

With respect to claim 40, Sitka does not explicitly disclose a storage media having a unique identifier. However, DeClute teaches a unique identifier is encoded on one of

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the storage media to uniquely identify that storage media from that of all other storage media, including recording an index file on the one of the storage media (i.e., a unique optical disk serial number, lines 9-15 in col. 5 and lines 50-68 in col. 3) in order to efficiently and economically handle a large number of individual storage media, such as optical disks (lines 63-66 in col. 1). The limitations of claim 40 are rejected in the analysis of claim 17 above, and the claim is rejected on that basis.

8. Claims 27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitka et al. (U.S. Patent No. 6,349,373) in view of DeClute et al. (U.S. Patent No. 5,053,948) and Sacilotto, Jr., et al. (U.S. Patent No. 6,763,523), and further in view of Cooke, Jr. et al. (U.S. Patent No. 6,574,629).

With respect to claim 27, Sitka, DeClute, and Sacilotto disclose the claimed subject matter as discussed above except storing an executable program for retrieving the information groups. However, Cooke teaches creating an executable program for retrieving the information groups stored on the archival storage media and storing the executable program on the archival storage media (i.e., a PACS software and applications/executable programs alternatively stored in a floppy disk or a CD, lines 41-67 in col. 7 and lines 1-33 in col. 8) in order to retrieve data stored on the CD, thereby efficiently managing each distinctive study of a patient. Therefore, based on Sitka in view of DeClute and Sacilotto, and further in view of Cooke, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the

teaching of Cooke to the system of Sitka in order to efficiently manage each patient's data.

With respect to claim 30, Sitka does not explicitly disclose implementing a database file by DICOM-3. However, Cooke further teaches said database file is implemented by DICOM-3 (line 65 in col. 5 thru line 13 in col. 6, line 54 in col. 10 thru line 3 in col. 11, and lines 10-23 in col. 15) in order to efficiently manage each patient's data. Therefore, based on Sitka in view of DeClute and Sacilotto, and further in view of Cooke, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Cooke to the system of Sitka in order to efficiently manage each patient's data.

9. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sitka et al. (U.S. Patent No. 6,349,373) in view of DeClute et al. (U.S. Patent No. 5,053,948) and Sacilotto, Jr., et al. (U.S. Patent No. 6,763,523), and further in view of Blickenstaff et al. (U.S. Patent No. 5,537,585).

With respect to claim 41, Sitka, DeClute, and Sacilotto disclose the claimed subject matter as discussed above except the same information group is stored on more than one storage medium. However, Blickenstaff teaches the same data is stored on more than one storage medium (lines 5-48 in col. 7) in order to protect the data against any physical disasters, such as fire. Therefore, based on Sitka in view of DeClute and Sacilotto, and further in view of Blickenstaff, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the

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teaching of Blickenstaff to the system of Sitka in order to protect the data against any natural/physical disasters.

10. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sitka et al. (U.S. Patent No. 6,349,373) in view of Cooke, Jr. et al. (U.S. Patent No. 6,574,629), and further in view of DeClute et al. (U.S. Patent No. 5,053,948), and further in view of Blickenstaff et al. (U.S. Patent No. 5,537,585).

With respect to claim 43, Sitka, Cooke, and DeClute disclose the claimed subject matter as discussed above except the same information group is stored on more than one storage medium. However, Blickenstaff teaches the same data is stored on more than one storage medium (lines 5-48 in col. 7) in order to protect the data against any physical disasters, such as fire. Therefore, based on Sitka in view of Cooke and DeClute, and further in view of Blickenstaff, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Blickenstaff to the system of Sitka in order to protect the data against any natural/physical disasters.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 571-272-4036. The examiner can normally be reached on 9:30-6:00(M~F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joon Hwang
Patent Examiner
Technology Center 2100

6/6/06


JEAN M. CORRIELUS
PRIMARY EXAMINER